IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE M.H.S.ANSARI**

**and**
**THE HON'BLE MR JUSTICE T.CH.SURYA RAO**

WRIT PETITION NO.5052 of 2005

Between:

Kalajyothi Process Limited, 1-1-60/6, RTC Cross Roads, Musheerabad, Hyderabad- 500 020, rep. by its Managing Director Sri A. Bapanna.

**...PETITIONER**

AND

1. Additional Commissioner (CT) (Legal), Nampally, Exhibition Grounds, Hyderabad.
2. Appellate Deputy Commissioner (CT). Secunderabad Division, Hyderabad.
3. Commercial Tax Officer, Gandhinagar Circle, Abids, Hyderabad.

**...RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ of Certiorari to call for the records relating to the order dated 25.08.2004 passed by the Additional Commissioner (CT) (Legal), 1st respondent herein and quash the same.

**Counsel for the Petitioner: MR.S.CHAKRAPANI**

**Counsel for the Respondents: SPL GP FOR TAXES**

The Court made the following:

**THE HON'BLE MR JUSTICE M.H.S.ANSARI**

**and**

**THE HON'BLE MR JUSTICE T.CH.SURYA RAO**

WRIT PETITION NO.5052 of 2005

**ORDER:** (Per the Hon'ble Mr.Justice T.Ch.Surya Rao)

Without entering into the merits of the case, we are of the opinion that since this Court while entertaining the Writ Petitions of the similar nature and disposing them of, consistently orders were passed directing the petitioners to deposit 30% of the disputed tax, we are inclined to pass the same orders in the instant Writ Petition also.

The Writ Petition is disposed of with the following orders:

The petitioner is directed to deposit 30% of the disputed tax, which we are informed has been already deposited. The recovery of the balance of the disputed tax shall be stayed pending disposal of the appeal before the second respondent, the Appellate

Deputy Commissioner (CT). No order as to costs.

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**(M.H.S.ANSARI,J)**

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**(T.CH.SURYA RAO ,J)**

17th March 2005

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Additional Commissioner (CT) (Legal), Nampally, Exhibition Grounds, Hyderabad.
2. The Appellate Deputy Commissioner (CT). Secunderabad Division, Hyderabad.
3. The Commercial Tax Officer, Gandhinagar Circle, Abids, Hyderabad.
4. Two CCs to Special G.P. for Taxes, High Court Buildings, Hyderabad (OUT).
5. Two CD copies.